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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 KINGSLEY SIMPSON,

12 Plaintiff,

13 v.

14 CITY OF ORTING, a municipality; CITY OF
15 ORTING POLICE DEPARTMENT, a division
16 of the City of Orting; BRIAN GARRETT
17 BURNSHIRE, and DOES 1 through 5,
18 inclusive,

19 Defendants.

Case No. C04-5302FDB

ORDER RE JOINDER IN MOTION
TO COMPEL VIDEO DEPOSITION
AND FOR SANCTIONS

20 A video deposition of Defendant Brian Burnshire was scheduled for May 26, 2005 in Seattle,
21 which was attended by both Plaintiff's counsel and counsel for the City of Orting and the Orting
22 Police Department. Counsel for Defendant Burnshire would not permit Burnshire's deposition if it
23 was going to be videotaped. Plaintiff then moved to compel Burnshire's deposition. This Court
24 entered an order of June 14, 2005 [Dkt. # 43], granting Plaintiff's Motion to Compel Video
25 Deposition of Defendant Burnshire, awarded monetary sanctions, and directed counsel to determine
26 a mutually convenient date for the deposition as promptly as possible.

Counsel for the City of Orting and the Orting Police Department [City] joined in Plaintiff's


1 motion to compel and requested monetary sanctions to compensate for the expenses of attending the
2 deposition and in preparing the joinder in Plaintiff's motion to compel. The City requests reasonable
3 attorney's fees and expenses of \$750.00, and submits counsel's declaration in support.

4 Having reviewed the City's motion and supporting declaration, the Court concludes that the
5 request is reasonable. ACCORDINGLY,

6 IT IS ORDERED:

- 7 1. The Defendant Orting's Joinder in the Motion to Compel Video Deposition of
8 Burnshire and for Sanctions [Dkt. # 35] is GRANTED, and Defendant City of Orting
9 and Orting Police Department are awarded monetary sanctions in the amount of
10 \$750.00 payable by Defendant Burnshire and/or his attorney of record, M. Noel
11 Lerner within ten days of the date this order is entered.
- 12 2. Counsel have already been directed by the Court's earlier order to schedule as soon as
13 possible the earliest mutually convenient date for Defendant Burnshire's video
14 deposition.

15 DATED this 1st day of July, 2005.

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17 FRANKLIN D. BURGESS
18 UNITED STATES DISTRICT JUDGE
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